

# CRIMINAL HISTORY DISCLOSURE

## FREQUENTLY ASKED QUESTIONS

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1. **Q: Why am I being asked to report my conviction history?**

A: Los Angeles County asks about a candidate's conviction history to decide whether it is compatible with the duties of the desired position and it helps the County determine each candidate's qualifications for employment.

2. **Q: What is considered a conviction?**

A: A conviction includes a plea, verdict or other finding of guilt by a court, including a military court, even if no sentence was imposed.

3. **Q: If I have a past conviction, does that automatically prevent County employment?**

A: In most circumstances, a conviction history does not automatically prevent County employment. Whether a conviction will prevent employment in a specific job depends on both the type of conviction and the job for which you applied. For some County jobs, depending on the type of work and the duties of the position, candidates with certain convictions may be prevented from working in those jobs. For example, if you have a DUI conviction you may be disqualified for a position that requires you to drive as part of the job, but that would not prevent you from qualifying for a position that does not require you to drive. However, please note that any candidate for County employment who has been convicted of workers' compensation fraud is barred from employment with the County of Los Angeles (County Code Section 5.12.110).

4. **Q: How does the County determine whether my conviction disqualifies me from the job?**

A: Los Angeles County looks at conviction history on a case-by-case basis and evaluates several factors related to the conviction in determining whether the conviction would prevent someone from being hired. Those factors include, but are not limited to:

- The nature and seriousness of the offense
- The degree to which the conviction is related to the duties and responsibilities of the job
- Age when convicted
- How long ago was the conviction
- Evidence of rehabilitation
- Any other mitigating circumstances

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5. **Q. What convictions must I disclose?**

- A. You must disclose all convictions by any criminal or military court, even if pardoned under California Penal Code Section 4852.16. However, there are certain exceptions listed in Question 6 below.

Please Note: Candidates for positions as peace officers or for positions with a criminal justice agency (as defined in Penal Code Section 13101) are subject to different disclosure requirements. If you are a candidate for one of those positions, please consult with the designated Human Resources office.

6. **Q. Are there any convictions that I do not need to disclose?**

- A. It is not necessary to disclose the following information related to convictions:

*Expunged records*

It is not necessary to disclose any convictions that was expunged by a valid court order or that was judicially dismissed.

An expungement of records occurs when a court orders the destruction/removal of arrest records or other court proceedings. A Penal Code, 1203.4 / 1203.4 (a) dismissal withdraws a previous verdict or plea of guilt or nolo contendere. The court then dismisses the charges against the person, and the person "shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she was convicted."

*Diversion Programs*

It is not necessary to disclose information concerning a referral to and/or participation in any pretrial or post-trial diversion program.

A diversion program is a program offered to certain offenders who qualify for participation as an alternative to prosecution. Participants receive coordinated assistance in personal and group counseling, drug and alcohol rehabilitation and other community agencies appropriate to their needs. Examples of this would be alcohol or drug counseling programs, or some other rehabilitative program like anger management counseling for domestic abuse situations.

*Juvenile Offenses*

It is not necessary to disclose any conviction while a juvenile (under 18 years old), unless the job announcement identifies particular convictions that must be disclosed for that particular classification or position, regardless of age when convicted.

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#### *Traffic Offenses*

It is not necessary to disclose a conviction for a traffic offense that was less than \$390.

#### *Miscellaneous Offenses*

It is not necessary to disclose any conviction for one of the following violations that is more than two years old:

- A. Health & Safety Code Section 11357(b) or (c) (possession of marijuana), or any statutory predecessor to that section;
- B. Health & Safety Code Section 11360(c) (transportation of marijuana), or any statutory predecessor to that section;
- C. Health & Safety Code Section 11364 (possession of drug paraphernalia), Section 11365 (presence in a place where a controlled substance is being used), and Section 11550 (use of a controlled substance) as they relate to marijuana prior to January 1, 1976, or any statutory predecessors to those sections.

7. **Q. Does the County do a background check?**

- A. All candidates placed in sensitive positions are fingerprinted and their prints submitted to the California Department of Justice and the Federal Bureau of Investigation. For some County jobs, a more extensive background check may be conducted.

8. **Q. How will the County use my conviction information?**

- A. If you are made a contingent job offer, you will be asked to complete the Candidate Conviction History Questionnaire. As part of the background process, you will also be fingerprinted and your fingerprints will be submitted to the California Department of Justice and the Federal Bureau of Investigation who will provide information about your conviction history.

Once the County receives information about your conviction history, it is reviewed to determine whether the information you provided is consistent with what was obtained from the California Department of Justice and the Federal Bureau of Investigation. The County will also evaluate the information to determine whether there is a connection between any conviction and the job for which you are being considered. Each situation is evaluated on a case-by-case basis to determine if your conviction disqualifies you for the position sought. The factors considered in this evaluation are listed in the response to question 4 above.

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9. **Q. What is a Live Scan?**
- A. Live Scan is the digitally-scanned fingerprinting process the County uses to obtain your fingerprints. Live Scan allows digitally scanned fingerprints and related information to be submitted electronically to the California Department of Justice and the Federal Bureau of Investigation.
10. **Q. What if I don't disclose a conviction that I am required to report?**
- A. Failure to include convictions on the Candidate Conviction History Questionnaire that you are required to disclose may be considered falsification and may cause the County not to select you for the job. If you are already appointed, failure to disclose convictions may lead to termination of your employment. Depending on the circumstances, it may also result in restrictions on future employment with the County.